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Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF THE SEIZURE OF:

No. CV 18-06742-RGK (MAAx)

ANY AND ALL FUNDS HELD IN
REPUBLIC BANK OF ARIZONA
ACCOUNTS XXXX1889; XXXX2592,
XXXX1938, XXXX2912, AND
XXXX2500.

**GOVERNMENT'S EX PARTE APPLICATION
TO EXTEND DEADLINE AND HEARING**

CURRENT DEADLINE AND HEARING
Opposition Deadline: 8/27/18
Hearing: 9/10/18
Hearing Time: 9:00 A.M.

PROPOSED
Opposition Deadline: 9/10/1
Hearing Deadline: 9/24/18
Location: Courtroom of the
Hon. R. Gary
Klausner

On August 1, 2018, James Larkin, defendant in the criminal case
United States v. Michael Lacey, et al. CR 18-422-PHX-SPL, through his
attorney of record Thomas H. Bienert, Jr., filed a Notice of Motion

1 and Motion to Vacate or Modify Seizure Warrants, which motion was
2 joined by defendants Lacy, Brunst, and Spear ("defendants' Motion").
3 The matter was initially scheduled to be heard by the Honorable
4 Patrick J. Walsh, United States Magistrate Judge for the Central
5 District of California. However, on August 7, 2018, the matter was
6 reassigned to the Honorable R. Gary Klausner, United States District
7 Judge for the Central District of California. Thereafter, the Court
8 vacated all dates set by Judge Walsh and set a hearing date for
9 September 10, 2018.

10 On August 23, 2018, the parties jointly moved to extend the
11 government's opposition to defendants' motion from August 17, 2018,
12 to and including August 27, 2018, and further agreed to continue the
13 related hearing from September 10, 2018, to September 17, 2018. To
14 date, the Court has not issued an Order based on that stipulation.

15 Now, for the reason described below, the government hereby
16 applies *ex parte* to extend until September 10, 2018, any government
17 deadline to file an opposition to defendants' Motion and to extend
18 the hearing to September 24, 2018, at 9:00 a.m.

19 On August 27, 2018, the government filed its Application for
20 Order Regarding Criminal Forfeiture of Property in Government Custody
21 in the related criminal case CR 18-00422-PHX-SPL (BSB). See
22 Attachment A. Should that Order issue, the government intends to
23 move this Court to find that defendants' Motion is moot, and the
24 government will not object to the filing of any related appropriate
25 motion defendants may seek to file in the District of Arizona.

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1 The government has sought to contact defendants' counsel, and
2 those counsel with whom the government has spoken have indicated
3 their opposition to this application.

4 Dated: August 27, 2018

Respectfully submitted,

5 NICOLA T. HANNA
6 United States Attorney

7 LAWRENCE S. MIDDLETON
8 Assistant United States Attorney
9 Chief, Criminal Division
10 STEVEN R. WELK
11 Assistant United States Attorney
12 Chief, Asset Forfeiture Section

13 /s/John J. Kucera
14 JOHN J. KUCERA
15 Assistant United States Attorney

16 Attorneys for Plaintiff
17 UNITED STATES OF AMERICA
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